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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,392	12/07/2000	Richard Alan Haase	0170SS-45347	7432

7590 12/11/2001

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EXAMINER

BARRY, CHESTER T

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 12/11/2001

17

Please find below and/or attached an Office communication concerning this application or proceeding.

09733392-010802

Notice Of Defective Paper In
Merged Ex Parte Reexamination / Reissue

Control Number

90/005,710

09/733392

Patent Under Reexamination

5846435

Examiner

Chester T. Barry

Art Unit

1724

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

1. ☒ Since no proof of service was included with the paper filed on 16 October 2001, it fails to comply with 37 CFR 1.248 and 1.540. Proof of service is required within ONE (1) MONTH from the mailing date of this letter or within the time remaining in the response period of the last Office action. Failure to provide proof of service may result in a refusal to consider the paper.
2. ☐ The paper filed on _____ is unsigned. A duplicate paper or ratification, properly signed, is required within ONE (1) MONTH from the mailing date of this letter or within the time remaining in the response period of the last Office action.
3. ☐ The paper filed on _____ is signed by _____, who is not of record. A duplicate paper or ratification signed by a person of record, or by a person made of record by way of a new power of attorney, is required within ONE (1) MONTH from the mailing date of this letter or within the time remaining in the response period of the last Office action.
4. ☒ The Amendment filed on 16 October 2001 does not comply with 37 CFR 1.530(d)-(j). Patent owner is given ONE (1) MONTH from the mailing date of this letter, or within the time remaining in the response period of the last Office action to correct this informality; otherwise, the reexamination proceeding will be terminated (37 CFR 1.550(d)).

5. ☒ Other

Per item 1: Assuming Owner's failure to provide the PTO with proof of service is indicative of Owner's failure to have actually served the paper in a timely manner on the Requester, the examiner notes that this would appear to be Owner's second failure to serve papers on the Requester. See Requester's Communication dated 4/2/01 (a copy of which is attached).

Per item 4: The number of examples of Owner's failure to comply with 37 CFR 1.530(d)-(j) are too numerous to list here in light of the PTO's scarce resources. See, however, Owner's failure to underline the words "at least one" in claim 1 step a. line 1.

Furthermore, see also Owner's request to "add" claim "20" (at page 1 of the 10/16/01 paper) while the identical claim had already been added in the paper dated 4/18/01 as claim 19 (subsequently renumbered by the Office as claim 20). See also that the alleged "clean copy" of the claims (penultimate page of 10/16/01 paper) does not accurately reflect the text of at least claim 1: Claim 1 uses alpha characters (a, b, c, & d) to demarcate the claim sub-parts whereas the alleged "clean" copy used numerals (1, 2, 3, & 4).

While not offensive of any PTO statute, regulation or policy, Owner's failure to number the pages of the paper does not foster efficient administration of US patent laws.

Additional item: Notwithstanding the instruction in the Decision, sua sponte, to Merge Reexamination and Reissue Proceedings mailed 21 March, 2001 (the "Merger Decision"), for Owner to provide two copies of papers filed (one for entry into the reissue file, the other for entry into the reexamination file), it does not appear that Owner has filed two such copies of the 10/16/01 response with the Office.

In view of the above, the 10/16/01 paper will not be entered into either of the reissue or reexam files.

It is also noted that the Correspondence Address in Reissue SN 09/733392 is not the same as in the Reexamination 90/005710.

No Power of Attorney has been filed in Reissue SN 09/733392. *since 4/17/01. (CTB 10/31/01)*

Owner is urged to review the time extension provisions governing this merged reexam / reissue proceeding.

NOTE: EXTENSION OF TIME ARE GOVERNED BY 37 CFR 1.550(c). If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

~~cc: Requester (if third party requester)~~ *(CTB 10/31/01)*

Chester T. Barry

Chester T. Barry
Primary Examiner
Art Unit: 1724
703-306-5921